

REMARKS

Claims 1-3, 7, 11-29, and 32-43 are pending in the subject application and are subject to a restriction requirement and species election.

Requirement for restriction under 35 U.S.C. 121

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 to one of the following allegedly independent and distinct inventions:

- I. Claims 1-3, 7, 11-29, and 32-34 are directed to a recombinant polynucleotide encoding a plurality of antigenic peptide operatively linked to each other, vectors comprising such polynucleotides, and host cells comprising the vector. Classified in Class 536, subclass 23.1, and Class 435, subclass 320.1, 325, and 455.
- II. Claims 35, 38, and 41 are drawn to a method of introducing a recombinant polynucleotide into antigen presenting cells. Classified in Class 514, subclass 44.
- III. Claims 36, 39, and 42 are drawn to a method of using genetically modified antigen presenting cells *in vitro* and *in vivo*. Classified in class 424, and subclass 93.21.
- IV. Claims 37, 40, and 43 are drawn to a method of modulating an immune response in a subject comprising administering to the subject an effective amount of educated immune effector cells, and cells used in the method. Classified in class 424, and subclass 93.1, and class 435, subclass 325.

Applicants' undersigned attorney hereby elects to prosecute the invention of Group I (claims 1-3, 7, 11-29, and 32-34).

Species Election

In the Office Action, the Examiner further required election of a species drawn to a specific recombinant polynucleotide defined according to the following elements:

1. A specific first antigenic gene, or a specific combination of a first and second gene encoding an antigen, selected from one of the specific tumor, bacteria, and viral antigens.
2. The presence or absence of other elements selected from the group consisting of a promoter, a specific co-stimulatory molecule, inserted amino acids, or mRNA stability activity elements.
3. The type of cells transfected by the recombinant molecules.

Responsive to the requirement for an election of species, Applicants' undersigned attorney hereby elects a species of recombinant polynucleotide comprising a first specific antigenic gene encoding a viral antigen without the presence of other elements. Where the Examiner has also required the election of the type of cell transfected by the recombinant molecules, Applicants' undersigned attorney hereby elects a dendritic cell.

Accordingly, the species elected reads on claims 1-3, 7, 11-29, and 32-34 now under consideration by virtue of the Restriction Requirement. This election is without traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected invention.

In re: SHANKARA et al.

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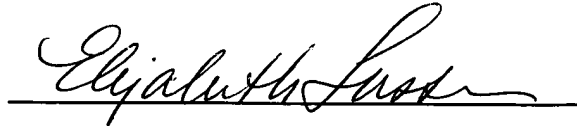
CONCLUSION

No fee is deemed necessary in connection with the filing of this communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1074.

Respectfully submitted,

November 3, 2003

Date

A handwritten signature in cursive script, appearing to read "Elizabeth Lassen", written over a horizontal line.

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